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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/240,134	01/29/1999	FUMIAKI TAKAHASHI	B208-685 DIV	6964

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EXAMINER

LUU, LE HIEN

ART UNIT PAPER NUMBER

2141

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/240,134

Applicant(s)

TAKAHASHI ET AL.

Examiner

Le H Luu

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 33 and 47-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33 and 47-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. Claims 33 and 47-75 are presented for examination.
2. Examiner agree with applicants that Douma et al., patent no. 5,990,884, can not be considered as prior art because applicants rely on priority date 07/30/1993 as the effective filing date. Therefore, Examiner withdraw the final rejection paper 17 mailed on 07/09/2002.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 33 and 47-75 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Baker et al (Baker)** patent no. **5,428,730**, in view of **Garney** patent no. **5,319,751**.
5. As to claim 33, Baker teaches the invention substantially as claimed, including a control device for controlling a device via a network, comprising:

a communication interface adapted to received a description file including description data for a control panel of the device (Abstract, col. 7, line 50 - col. 8 line 12); and

a controller adapted to automatically activate the description file, if the description file is received (col. 7, line 50 - col. 8 line 12).

However, Baker does not explicitly teach said description file is received from the device.

Garney teaches removable system resource contains a full device driver portion and a stub device driver portion stored in memory area of the removable system resource. The device driver stub is read from the memory area and transferred into a computer system memory for execution (col. 3 line 22 – col. 4 line 57).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Baker and Garney to receive said description file from the device as taught by Garney because it would allow system resources to be reconfigured without powering down the computer system.

6. As to claims 47, 49-50, Baker teaches the control panel includes graphical elements for controlling functions of the devices; the controller display an icon representing the device on a display device after the description file is automatically activated; the controller displays the control panel on the display device after the icon is selected by a user (Figure 2, begins from col. 4 line 6; and col. 6 lines 5-26).

7. As to claim 48, Baker teaches the communication interface receives the description file, after the control device detects that the device is connected to the network (col. 7, line 50 - col. 8 line 12).

8. As to claim 51, Baker teaches the control device transmits a message corresponding to a graphical element of the control panel to the device when the graphical element is operated by a user (col. 6 lines 5-25). As to claims 52, Baker teaches the device is represented as an object by predetermined objected oriented technique (col. 12 lines 23-25).

9. As to claims 53-54, Baker teaches the device is a CD player, a digital video recorder, a digital camera, a digital television, a facsimile, a copying machine, or a printer (figure 1, figure 3).

10. As to claim 55, Baker teaches the control device is a personal computer, a word processor or a workstation (col. 2 lines 48-66).

11. Claims 56-75 have similar limitations as claims 33 and 47-55; therefore, they are rejected under the same rationale. In addition, representing a device as an object using object oriented technique is well known.

12. Applicant's arguments with respect to claim 33 and 47-75 have been considered but are deemed to be moot in view of the new grounds of rejection.

13. Applicant's amendment filed on 05/04/2002 necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu, whose telephone number is (703) 305-9650. The examiner can normally be reached Monday through Friday from 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached at (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7240.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Any response to this final action should be mailed to:

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 746-7239, (for formal communications; please mark  
"EXPEDITED PROCEDURE").

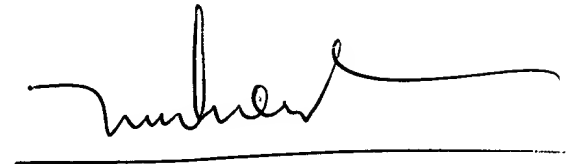
**Or:**

(703) 746-7240 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

**Or:**

(703) 746-7238 (for After Final  
communications).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

A handwritten signature in black ink, appearing to read 'Le Hien Luu', written over a horizontal line.

LE HIEN LUU  
PRIMARY EXAMINER

December 02, 2002